

Final Rule

LSA Document #14-441(F)

DIGEST

Amends [326 IAC 8-12-4](#) concerning antifoulant coatings used at shipbuilding and ship repair facilities.
Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-7](#) and Second Notice of Comment Period: October 29, 2014, Indiana Register (DIN: [20141029-IR-326140441FDA](#)).

Notice of First Hearing: October 29, 2014, Indiana Register (DIN: [20141029-IR-326140441PHA](#)).

Date of First Hearing: January 14, 2015.

Proposed Rule: February 4, 2015, Indiana Register (DIN: [20150204-IR-326140441PRA](#)).

Notice of Second Hearing: February 4, 2015, Indiana Register (DIN: [20150204-IR-326140441PHA](#)).

Date of Second Hearing: March 11, 2015.

[326 IAC 8-12-4](#)

SECTION 1. [326 IAC 8-12-4](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 8-12-4](#) Volatile organic compound emissions limiting requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-12](#)

Sec. 4. (a) ~~On and after May 1, 1996,~~ The owner or operator of a shipbuilding or ship repair facility subject to this rule shall comply with the following VOC emissions limiting requirements:

(1) Provisions applicable to specialty coatings are as follows:

(A) Special marking coatings shall not exceed a VOC content of four and eight-hundredths (4.08) pounds per gallon.

(B) Heat resistant and high-gloss coatings shall not exceed a VOC content of three and fifty-hundredths (3.50) pounds per gallon.

(C) High-temperature coatings shall not exceed a VOC content of four and seventeen-hundredths (4.17) pounds per gallon.

(D) Antifoulant coatings shall not exceed a VOC content of three and thirty-three hundredths (3.33) pounds per gallon.

~~(D)~~ **(E)** Weld-through (shop) preconstruction primers shall comply with subdivisions (3) through (5).

~~(E)~~ **(F)** Any other specialty coating shall not exceed a VOC content of two and eighty-three hundredths (2.83) pounds per gallon.

(2) During application of any general use coating, VOC emissions shall be limited as follows:

(A) The VOC content of any general use coating shall not exceed two and eighty-three hundredths (2.83) pounds per gallon, as applied.

(B) From May 1 through September 30, no thinner shall be added to any general use coating.

(3) During application of any weld-through (shop) preconstruction primer, VOC emissions shall be limited throughout the year as follows:

(A) Waterbased weld-through (shop) preconstruction primer shall be used.

(B) The VOC content of weld-through (shop) preconstruction primer, as applied, shall not exceed zero (0).

(C) No cleaning material shall be used in the primer application facility.

(D) No thinner shall be added to the weld-through (shop) preconstruction primer.

(4) If the owner or operator of a shipbuilding or ship repair facility determines that a waterbased weld-through (shop) preconstruction primer can no longer be used due to an operational, performance, or availability constraint associated with the waterbased weld-through (shop) preconstruction primer, the source shall do the following:

(A) Notify the department within seven (7) days of discontinuing use of the waterbased weld-through (shop) preconstruction primer.

(B) Submit to the department for approval a plan for an alternative control within sixty (60) days of discontinuance. The alternative control shall consist of one (1) of the following:

(i) A waterbased weld-through (shop) preconstruction primer.

(ii) A control system with a minimum overall VOC emissions reduction efficiency of ninety-five percent (95%) that is subject to each of the following requirements:

(AA) The operation, maintenance, and testing requirements of [326 IAC 8-7-9](#).

(BB) The monitoring, record keeping, and reporting requirements of [326 IAC 8-7-10](#).

(C) Install the alternative control within nine (9) months of approval by the department of the plan required in clause (B).

(5) During the time between the date when the owner or operator of the shipbuilding or ship repair facility discontinues the use of the waterbased preconstruction primer and the date when the alternative control is installed, the weld-through (shop) preconstruction primer used by the owner or operator of such shipbuilding or ship repair facility shall not exceed a VOC content of five and sixty-five hundredths (5.65) pounds per gallon or the VOC content for weld-through (shop) preconstruction primer prescribed by the U.S. EPA in a final regulation establishing National Emissions Emission Standards for Shipbuilding and Ship Repair (Surface Coating), **40 CFR 63, Subpart II**, whichever is lower.

(b) ~~On and after May 1, 1996,~~ A source subject to this rule shall comply with the following work practice standards:

(1) Cleaning accessories, such as, but not limited to, paper, cloth, and rags that have been used for cleaning surfaces and equipment and that contain cleaning materials shall be stored in normally closed gasket sealed containers.

(2) VOC-containing solvents and coatings shall be stored in normally closed sealed containers prior to use. Spent VOC-containing solvents and coatings shall be stored in normally closed gasket sealed containers.

(3) Cleaning materials for cleaning spray equipment, including paint lines, shall not be used unless the equipment for collecting the cleaning materials and minimizing its evaporation to the atmosphere is used.

(4) All handling and transfer of VOC-containing materials to and from containers, tanks, vats, drums, and piping systems shall be conducted in a manner that minimizes drips and spills, and any drips and spills shall be cleaned up promptly.

(5) All containers, tanks, vats, drums, and piping systems shall be free of cracks, holes, and other defects and must be closed unless materials are being added to or removed from them.

(c) The owner or operator of sources subject to this rule shall comply with the following training requirements:

(1) ~~On or before January 1, 1996,~~ The owner or operator shall develop a written worker training program. The training program shall be included in the compliance plan required to be submitted to the department for review by section 7(b)(1) of this rule.

(2) ~~On or before May 1, 1996,~~ All workers, including contractors, shall have completed a training program if they engage in any of the activities listed in subdivision (3).

(3) The training program may include training provided by the manufacturer or supplier of coatings, cleaning materials, or the application equipment thereof, and shall include written procedures, hands-on demonstration, as appropriate, and certification by the trainer of the trainee's ability to perform the task, on the following activities:

(A) Identification of appropriate coatings or cleaning materials.

(B) Preparation of coatings or cleaning materials according to coating or cleaning material manufacturer, distributor, or owner or operator's recommendations.

(C) Application of coatings or cleaning materials, or organic solvents using techniques that minimize their usage.

(D) Procedures to clean spray guns to minimize evaporation of organic solvents to the atmosphere.

(E) Work practice standards established in subsection (b).

(F) Procedures to gather, record, monitor, and report data in accordance with section 7 of this rule.

(4) ~~Beginning in 1997,~~ The owner or operator shall provide annual refresher training prior to May 1 to any worker performing one (1) or more of the activities listed in subdivision (3). Such training shall be appropriate to the job responsibilities of the worker.

(5) Any worker may perform one (1) or more activities listed in subdivision (3), for not more than one hundred eighty (180) days, notwithstanding the requirement of subdivision (2), provided:

(A) such untrained worker works under the supervision of a worker who meets the training requirements of subdivision (2); and

(B) the owner or operator keeps records of:

(i) the date the worker was assigned to the activity;

(ii) the date training was completed; and

(iii) the name of the worker providing the supervision.

(6) The owner or operator shall keep records of the training program. The records shall consist of the following:

- (A) The date training was completed.
- (B) A list of workers by name and worker activities listed in subdivision (3) in which each worker has been trained.
- (C) A statement signed by the person providing the training certifying that the worker completed training and is proficient in the activities listed in subdivision (3) in which the worker will be engaged.

(Air Pollution Control Division; [326 IAC 8-12-4](#); filed Apr 1, 1996, 10:00 a.m.: 19 IR 1753; filed Jun 15, 2001, 12:08 p.m.: 24 IR 3613; filed May 22, 2015, 3:14 p.m.: [20150617-IR-326140441FRA](#))

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